

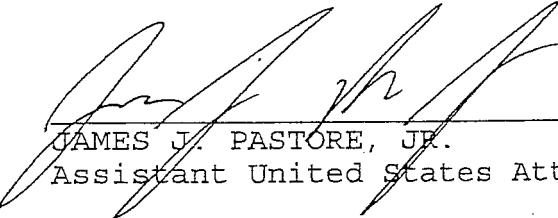
CR 12 (Rev. 5/03)

WARRANT FOR ARREST

United States District Court		DISTRICT <i>1:09MJ174A</i> SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA v. LUIS ALBERTO SANTELISES, a/k/a "Lilito," a/k/a "Josue Ortiz"		DOCKET NO. <i>09 MA 11009</i>
		MAGISTRATE'S CASE NO.
		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED LUIS ALBERTO SANTELISES, a/k/a "Lilito," a/k/a "Josue Ortiz"
WARRANT ISSUED ON <input type="checkbox"/> Indictment	THE BASIS OF: <input type="checkbox"/> Order of Court <input type="checkbox"/> Information <input checked="" type="checkbox"/> Complaint	DISTRICT OF ARREST
TO: UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER		CITY
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.		
DESCRIPTION OF CHARGES Illegal reentry		
IN VIOLATION OF		UNITED STATES CODE TITLE 8
BAIL		OTHER CONDITIONS OF RELEASE
ORDERED BY <i>ANDREW J. PECK</i> UNITED STATES MAGISTRATE JUDGE	SIGNATURE (FEDERAL JUDGE/U.S. MAGISTRATE) <i>[Signature]</i>	
CLERK <i>SOUTHERN DISTRICT OF NEW YORK</i>	(BY) DEPUTY CLERK	
DATE ORDERED <i>APR 21 2009</i>		
DATE ISSUED		
RETURN		
This warrant was received and executed with the arrest of the above-named person.		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE EXECUTED		

Note: The arresting officer is directed to serve the attached copy of the charge on the defendant at the time this warrant is executed.

Approved:


JAMES J. PASTORE, JR.
Assistant United States Attorney

Before: THE HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

09 MAC 1009

- - - - -x

UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
-v-	:	Violation of
	:	8 U.S.C. §§ 1326(a)
	:	& (b) (2)
LUIS ALBERTO SANTELISES, a/k/a "Lilito," a/k/a "Josue Ortiz,"	:	COUNTY OF OFFENSE: NEW YORK
	:	
Defendant.	:	
	:	

- - - - -x

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS KIRWIN, being duly sworn, deposes and says that he is a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and charges as follows:

COUNT ONE

From at least in or about August 2005, in the Southern District of New York and elsewhere, LUIS ALBERTO SANTELISES, a/k/a "Lilito," a/k/a "Josue Ortiz," the defendant, being an alien, unlawfully, willfully, and knowingly, did enter and was found in the United States, after having been removed from the United States on or about April 9, 2003, subsequent to a conviction for the commission of an aggravated felony, to wit, a conviction on or about September 13, 2002, in New York State Supreme Court, New York County, for Criminal Sale of a Controlled Substance in the Fifth Degree, in violation of New York Penal Law Section 220.31, without having obtained the express consent of

the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) & (b) (2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

1. I am a Deportation Officer with ICE, and I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my review of the file maintained by ICE regarding LUIS ALBERTO SANTELISES, the defendant, including his criminal history, I have learned, in substance and in part, the following:

a. SANTELISES is a citizen of the Dominican Republic and has never been a citizen of the United States.

b. On or about September 13, 2002, in New York State Supreme Court, New York County, SANTELISES was convicted of Criminal Sale of a Controlled Substance in the Fifth Degree, in violation of New York Penal Law Section 220.31, and was sentenced principally to a term of imprisonment of 42 months to seven years.

c. On or about April 9, 2003, SANTELISES was deported from the United States to the Dominican Republic.

d. Following his deportation to the Dominican Republic, SANTELISES never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission to the United States.

e. On or about July 31, 2005, a criminal complaint was filed by the New York City Police Department against "Luis Santelisos," later identified as LUIS ALBERTO

SANTELISES, the defendant, in connection with a crime he allegedly committed in Manhattan, New York.

f. In or about late 2005, ICE officers traveled to SANTELISES's last known residence in Manhattan, New York, identified here as Address-1, and took other steps to locate the defendant, but were unable to find him.

3. In or about early 2009, other ICE agents and I went to Address-1 and spoke with several individuals at that location. I learned, in substance and among other things:

a. A witness ("Witness-1") stated, in substance and in part, that Witness-1 had personally observed LUIS ALBERTO SANTELISES, a/k/a "Lilito," a/k/a "Josue Ortiz," the defendant, at Address-1 during 2005.

b. Another witness ("Witness-2") was shown a photograph of SANTELISES and identified him by his street name, "Lilito." Witness-2 stated, in substance and in part, that Witness-2 had personally observed LUIS ALBERTO SANTELISES, a/k/a "Lilito," a/k/a "Josue Ortiz," the defendant, in the vicinity of Address-1 during 2005.

4. Using law enforcement databases, I have determined that an individual identified as "Josue Ortiz" was arrested by Miami Dade Police on or about August 15, 2008. ICE obtained the fingerprints taken of that individual by Miami Dade Police. Another ICE agent who is certified by the Federal Bureau of Investigation in fingerprint analysis and comparison compared those prints with the fingerprints taken from SANTELISES in connection with his 2002 conviction, and the print taken in connection with his 2003 deportation. That ICE agent determined the fingerprints were made by one and the same person.

WHEREFORE, the deponent respectfully requests that an arrest warrant be issued for LUIS ALBERTO SANTELISES; the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

Thomas Kirwin
THOMAS KIRWIN
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me this
21st day of April, 2009

[Signature]
HONORABLE ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK